

On My Mind  
1/02/09

House Floor Leader Joseph J. Camacho sent a letter to both papers this week in which, among other things, he urged legislators to pass revenue-generating bills as a means of addressing the budget short-fall. He didn't give any examples, so I e-mailed him and asked him what kind of measures he had in mind - more fees and taxes?

He answered at great length, offering me numerous examples of what he'd had in mind. "Finding creative ways to generating revenue does not necessarily mean only raising taxes....It can also mean making the cost of doing business better and more efficient; we can encourage business to grow and thus have our overall tax base also grow," he began. Then he listed eight bills he has introduced - some fairly straight-forward, others a little more complicated.

The straightforward ones: HB16-75 would privatize bench warrant service. According to Camacho, "there are about 8,000 bench warrants just sitting at the court house. Most are for simple traffic violations. But DPS is swamped and does not enforce these bench warrants. Imagine if we can privatize this, and have a private company (with proper training, etc) to serve the warrants. The company [would] take[s] a percentage of the bail money, the rest would be revenues for the CNMI."

HB16-92 would authorize twenty-four-hour sale of alcohol at the airports for tourists. "The tourist are waiting for an hour or two for their flight at 3am. Let them spend their U.S. dollars at the airport drinking wine or beer. It might not be much but it's revenue for the CNMI. This bill, by the way, was specifically requested by CPA," wrote Camacho.

HB16-141 would regulate public cemeteries, giving mayors the authority to establish a fee to cover the cost of maintenance, management, and record keeping of the cemeteries, and the authority to define burial plot height, width, length and headstone size.

HB16-184 would regulate and license security guards. The bill has a dual purpose, said Camacho. "One [is] to require that security guards get proper training, the other [would] require that taxes and fees be paid to do business as a security guards company."

More complex, HB16-140 would modernize the CNMI Uniform Commercial Code, modeling it on the national standard being advocated by the National Conference on Commissioners on Uniform State Laws (NCCUSL). The CNMI's code has not been updated since it was first adopted 30 years ago. If brought up to date, it would improve the way the CNMI does business, which would improve the overall economic health of the CNMI. Notes Camacho, "A modern and stable commercial code recognized as a federal standard and followed by many states will encourage and reassure both local and foreign businesses that they can rely on the law."

HB16-189, a "sister bill" to HB 16-140, deals with uniform assignment of leases and rents, and is also in line with the national standards advocated by the National Conference on Commissioners on Uniform State Laws (NCCUSL).

Lastly, HJR16-17, Foreign Investors for CNMI-only, would ask the Department of Homeland Security to consider establishing a CNMI-only Foreign Investor HB status. Explains Camacho, "We have over 500 million dollars worth of assets owned or controlled by foreign investors in the CNMI. Imagine what will happen if that money left the CNMI never to return [as it would under federalization]!"

I obviously don't know very much about the inner workings of the House. But it sure strikes me as strange - and sad - when not even the third-highest ranking member of the house (Camacho is Floor Leader) is able to get action on his bills, particularly when they are as sound, substantive, and forward-looking as these are.

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I take exception to the Marianas Eye Institute ad that has been in the papers these last several weeks. As I explained to Dr. Khorram, I feel it is mis-leading. It states that "federal guidelines require" diabetics to get annual eye exams. Guidelines do NOT require. They can only advise, suggest, recommend. Only a law can "require." It also contains the underlined sentence, "Report immediately to Marianas Eye Institute." To me, that is intimidating, sounding like an order. What grounds does the clinic have for ordering anyone to do anything?

Khorram said that he was concerned about the number of people with diabetes who do not show up for eye care until it is too late. That is a perfectly legitimate concern. But I do not believe instilling fear, or intimidating people, is the best way to convince people with diabetes that they should get an annual eye exam. There are better ways to reach out.

I do not mean to belittle the work that the Marianas Eye Clinic does, nor the professional caliber of its doctors and staff. They provide essential services to the people of the CNMI and we are fortunate to have a full-time eye surgeon on island. But neither should language be so mis-used, so abused.

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My "correction" to last week's column was too hasty. The governor has indeed thrown the whole budget process out the window by his veto of the budget bill, justifying it by a shameless use of smoke screen, selective vision, and circuitousness. Moreover, by submitting an official notice of the changes in revenue he took away the legislature's option of overriding the vetoed budget bill.

Topping that act by then issuing a "special budget message" that completely ignores the legislature and its attempts to balance the budget, the governor has not only severely impacted the ability of the legislature to work cooperatively with the administration but has also completely erased the many safeguards and cross-checks the legislature had built into its budget submission, re-opening the door to unlimited abuse and irresponsibility.

Notes Senator Frica Pangelinan, chief architect of the budget bill, "His approving the Fy2009 budget would have been a beginning of closing the deficit gap." In an e-mail to me, she noted that the points of concern in the governor's letter of veto were not insurmountable issues, and could have been resolved. She expressed the hope that there would be "swift resolution of these issues and the successful enactment of a workable budget," admitting at the same time that "we are just as much at fault for continuing to give up our power to the Governor, and for not passing the budget on time as required by law." And a Happy budget-less New Year to us all.....

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Short takes:

The welcome of the new year was a lot noisier - with its many ear-splitting noise bombs - than it should have been, given the law that was passed earlier this year banning the sale and use of fireworks. Sure doesn't speak well for the Commonwealth as a whole when such a clear and unambiguous law - passed for the purpose both of preventing serious accidents and adding to the peace and quiet for tourists - is so blatantly ignored.

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The clock is still ticking: it's now only 36 ½ weeks, or less than 9 months, before the Aggreko contract comes to an end. Meaningful progress on an alternative? Zero.

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The second clock still ticks as well: the one set for June 1, 2009, when the federal immigration act is slated to go into effect - that's just six months from now. Progress on the promised "working together" on the implementing rules and regulations? Again, zero.

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To round out the bad news, turns out that Representative Tina Sablan is not eligible to run for governor in 2009 - the CNMI Constitution requires that a candidate be 35, and she will not yet have reached that age by then, more's the pity.